

REMARKS

Claims 22-69 are pending in the Application. No claims are amended by this response. Claims 22, 47, and 60 are independent claims. Claims 23-46, 48-59, and 61-69 depend, respectively, from independent claims 22, 47, and 60.

Applicants respectfully request reconsideration of claims 22-69, in view of the following remarks.

Amendments to the Specification

Applicants have amended the Specification as shown above to include information about related applications. Applicants respectfully submit that these amendments do not add new matter.

Rejections of Claims

Claims 22, 23, 26, 27, 29, 34-40, 43, 45-48, 52, 54, 55, 57-61, 64, 65, and 67-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy, III et al. (US 5,734,981, hereinafter "Kennedy") Claims 24, 25, 28, 30-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley et al. (US 5,526,353, hereinafter "Henley"). Applicants respectfully traverse the rejections.

I. Kennedy Does Not Anticipate Claims 22, 23, 26, 27, 29, 34-40, 43, 45-48, 52, 54, 55, 57-61, 64, 65, And 67-69

Claims 22, 23, 26, 27, 29, 34-40, 43, 45-48, 52, 54, 55, 57-61, 64, 65, and 67-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy, III et al. (US 5,734,981, hereinafter "Kennedy").

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail

as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to claim 22, Applicants respectfully submit that claim 22 recites “[a] communication system controller comprising: interface circuitry for exchanging, with an information transmission device, at least one of information requesting setup of a call and parameters for configuring the information transmission device; at least one processor communicatively coupled to the interface circuitry; and operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks.”

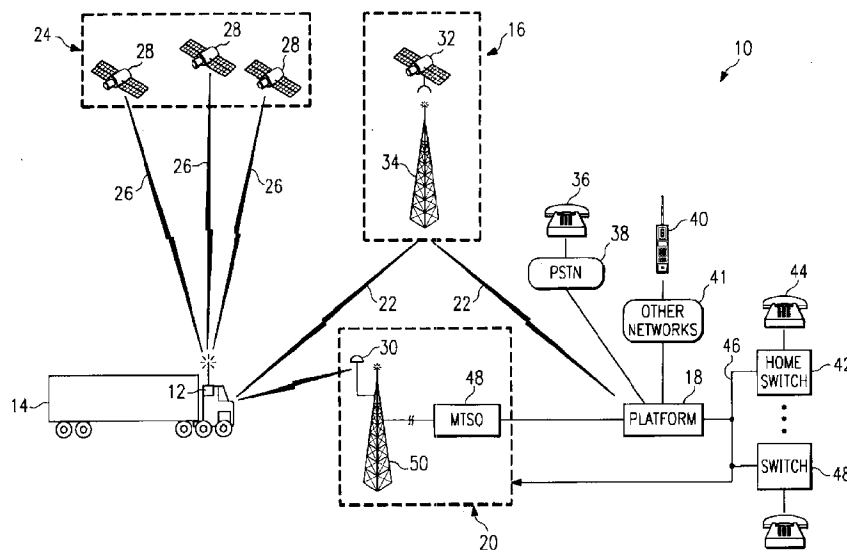
Applicants respectfully submit that Kennedy does not teach or suggest, at least “...operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22.

The Office states that “Kennedy III et al teach a communication system controller (**FIG. 3**) comprising: interface circuitry (**160, FIG. 3**) for exchanging, with an information transmission device (**12, FIG. 1, FIG. 2**), at least one of information requesting setup of a call and parameters for configuring the information transmission device **column 10, lines 66-67, column 12, lines 62-64**); at least one processor (**140, FIG. 3**) communicatively coupled to the interface circuitry (**column 9, lines 36-39**); and operational software executable by the at least one processor (**column 11, lines 57-62**), the operational software causing the at least one processor to produce the parameters for configuring the information transmission device (**12, FIG. 1**) based upon the information requesting setup of a call (**column 12, lines 25-33, 45-54**), the information transmission device (**12, FIG. 1**) thereby communicatively coupling one of a

plurality of communication networks **(16, FIG. 1)** to another of the plurality of communication networks **(38, FIG. 1, column 12, lines 62-67, column 13, lines 1-2).**" (emphasis in original) Applicants respectfully disagree.

By the above, Applicant respectfully submits that the Office is suggesting that "mobile unit 12", "processor 140", "data communications network 16", and "PSTN 38" of Kennedy teach Applicants' claim elements "information transmission device", "at least one processor", "one of a plurality of communication networks", and "another of the plurality of communication networks", respectively. Kennedy discloses that "processor 140" is contained in "platform 18", which is illustrated in Fig. 3 of Kennedy.

Applicants first address the teachings of Fig. 1 of Kennedy, which is reproduced below:



While the illustration of Fig. 1 shows a number of elements of what Kennedy describes as "...a system for delivering calls to a mobile unit...", there is nothing in Fig. 1 of Kennedy that teaches "...operational software causing the at least one processor to

produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22. To help clarify the distinction by substituting the teachings of Kennedy that allegedly correspond to Applicants’ claim elements into the corresponding language of Applicants claim, Applicants respectfully submit Kennedy does not teach or suggest that operational software [executable by “processor 140”] caus[es] the “processor 140” [contained in platform 18] to produce parameters for configuring the “mobile unit 12” based upon information requesting setup of a call, the “mobile unit 12” thereby communicatively coupling “data communications network 16” to “PSTN 38”, in accordance with Applicants’ claim 22.

Although there are numerous paths shown between the various elements of Fig. 1, the Office provides no explanation of how it interprets the teachings of Fig. 1 of Kennedy in its conclusion that Kennedy teaches the feature of Applicants’ claim 22. Applicants respectfully submit that the mere fact that one is able to find a path linking any two elements in the illustration of Fig. 1 of Kennedy does not mean that Kennedy teaches that those two elements are able to be communicatively coupled, or that an ability to communicatively couple the two elements is inherent.

Therefore, Applicants respectfully submit that the identified elements of Fig. 1 of Kennedy do not teach or suggest, at least, “...operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22.

Applicants now address the cited portion of Kennedy at column 11, lines 57-62, which is shown below underlined, in context:

Coupler 146 in platform 18 couples links 170 with links 172, also referred to in the singular as link 170 and link 172. Links 170 couple platform 18 with PSTN 38, other networks 41, home switch 42, and other switches 48 to allow callers 36, desiring to place a call to mobile unit 12, to connect with platform 18. Links 172 couple platform 18 with mobile unit 12. Links 170 and links 172 can include modem and DTMF coder/decoders 174 and 176 or modems 178 and 180. Platform 18 supports voice calls, voice calls with embedded or interleaved data, and partially or fully encoded data calls using modem/DTMF 174 and 176 or modem 178 and 180. Coupler 146, under the direction of processor 140, couples link 170 with link 172 to complete delivery of a call from caller 36 to mobile unit 12. Coupler 146, link 170, and link 172 include the appropriate hardware and software to control the dialing and call answering capabilities of platform 18.

(emphasis added)

The cited portion of Kennedy shown above simply teaches that “coupler 146” under the control of “processor 140” allows callers on various networks to place a call to a mobile unit, and that “coupler 146”, “link 170”, and “link 172” contain appropriate hardware and software to control dialing and call answering. In other words, the “processor 140” controls “coupler 146” to establish a communication path coupling one of “links 170” and one of “links 172”.

Applicants respectfully submit, however, that the cited portion of Kennedy shown above does not teach or suggest, at least, “...operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22. Again, to help clarify the differences between the alleged teaching of Kennedy and Applicants’ claim 22, Applicants respectfully submit Kennedy does not teach or suggest that operational software [executable by “processor 140”] caus[es] the “processor 140” [contained in platform 18] to produce parameters for configuring the “mobile unit 12”

based upon information requesting setup of a call, the “mobile unit 12” thereby communicatively coupling “data communications network 16” to “PSTN 38”, in accordance with Applicants’ claim 22. The cited portion of Kennedy instead teaches that it is the “coupler 146” in “platform 18” that couples callers at “links 170” with “mobile units 12” at “links 172”. Applicants respectfully submit that Kennedy does not teach that the “mobile unit 12”, which the Office identified as teaching Applicants’ “information transmission device”, acts to couple “one of a plurality of networks” to “another of a plurality of networks”, as recited by Applicants’ claim 22.

Therefore, Applicants respectfully submit that the portion of Kennedy at column 11, lines 57-62, which was specifically identified by the Office, does not teach or suggest, at least, “...operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22.

Applicants now turn to the teachings of Kennedy at column 12, lines 25-33 and 45-54. Column 12, lines 25-33 are shown below, in context:

In operation, data transceiver 160 receives a call delivery information report from mobile unit 12. Data transceiver 160 passes the report to processor 140 of platform 18 using link 158. Processor 140 validates the report using fraud management system 150 and logs the report for usage tracking system 152 and billing system 154. Processor 140 stores the call delivery information report time-stamped and indexed by mobile unit identification number in memory 142. Processor 140 can communicate the call delivery information report using link 156 to home switch 42, other switches 48, or other platforms 18 in a distributed platform system.

(emphasis added)

The cited portion of Kennedy shown above simply teaches that a “call delivery information report” from “mobile unit 12” is passed to “processor 140” which validates and logs the report. “Processor 140” then stores the “call delivery information report” in memory 142. Processor 140 can communicate the call delivery information report to a switch or to other “platforms 18” in a distributed platform system.

Column 12, lines 45-54 of Kennedy are shown below, in context:

Depending on the type of call delivery information retrieved from memory 142, processor 140 performs additional processing using look-up tables 144 to determine a proper dialing number and method to establish communications with mobile unit 12. Processor 140 directs coupler 146 to place a call to mobile unit 12 using link 172. Upon establishing a communications link with mobile unit 12, coupler 146 couples link 170 connecting caller 36 with link 172 connecting mobile unit 12.

This second cited portion of Kennedy merely continues by explaining that “processor 140” performs additional processing to determine a proper dialing number and method to establish communications with a mobile unit, and directs “coupler 146” to place a call to the mobile unit and to couple a link connecting a caller to the link connecting the mobile unit.

Applicants respectfully submit that, for at least the reasons set forth above, the portions of Kennedy at column 12, lines 25-33 and lines 45-54 also do not teach or suggest, at least, at least, “...operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22.

With regard to claim 35, Applicants respectfully submit that Kennedy does not teach or suggest, at least, “...wherein the routing is determined based upon a cost of

use of a communication network...”, as recited by Applicants’ claim 35. Kennedy states, at column 10, lines 35-38 (underlined):

Call delivery system 10 can reduce the cost and complexity of delivering calls to mobile unit 12 by minimizing the call delivery information transmitted by data transceiver 100 to platform 18. Processor 110 collects various pieces of information from positioning receiver 80, mobile voice communications device 90, sensors 112, memory 120, input device 122, or other sources, and distills this information into a call delivery information report for transmission over data transceiver 100. The call delivery information report can be time-stamped using time generated by clock 126 coupled to processor 110.

(emphasis added)

Applicants respectfully submit that “...reduc[ing] the cost and complexity of delivering calls to mobile unit 12 by minimizing the call delivery information transmitted by data transceiver 100 to platform 18...” is not the same as, nor does it teach or suggest “...wherein the routing is determined based upon a cost of use of a communication network...”, as recited by Applicants’ claim 25. For at least this reason, Applicants respectfully submit that Kennedy at column 10, lines 35-38 does not teach or suggest Applicants’ dependent claim 35.

With regard to dependent claims 37-40, 43, and 45, Applicants respectfully submit that the respective cited portions of Kennedy do not teach or suggest the limitations of these claims. Applicants respectfully submit that although the cited portions of Kennedy may or may not disclose the alleged teachings, Applicants have shown above that the Office has failed to show how “mobile unit 12” of Kennedy teaches Applicants’ “information transmission device” element of claim 22. The teachings of Kennedy cited in the rejections of claims 37-40, 43, and 45 appear to relate to aspects of the “mobile unit 12” of Kennedy, which Applicants have established does not teach or suggest the “information transmission device” of Applicants claim 22. Therefore, the cited teachings of Kennedy simply describe aspects of “mobile unit 12” of

Kennedy, and are unrelated to the “information transmission device” recited in Applicants’ claims 37-40, 43, and 45. Therefore, Applicants respectfully submit that the Office has failed to show where Kennedy teaches each and every element of Applicants’ dependent claims 37-40, 43, and 45, and that claims 37-40, 43, and 45 are independently allowable.

With regards to claim 46, Applicants respectfully submit that Kennedy does not teach or suggest, at least, “...wherein the communication system controller and the information transmission device are located within the same housing...”, as recited by Applicants’ claim 46. The Office previously identified Applicants’ claim elements “communication system controller” and “information transmission device” as being taught by the whole of Fig. 3 of Kennedy, and by “mobile unit 12”, respectively. See Office action at pages 2-3. Now in the rejection of dependent claim 46, the Office identifies the teaching of Kennedy that allegedly corresponds to Applicants’ “communication system controller” as element 106 of Fig. 2, described by Kennedy as “controller 106” of “data transceiver 100”. Applicants respectfully submit that the Office is, therefore, inconsistent in its interpretation of the teachings of Kennedy, and a *prima facie* case of anticipation is not supported by such inconsistency. Further, according to Kennedy at column 3, lines 7-8, Fig. 3 is “...a schematic representation of a platform for delivering calls to the mobile unit.” Applicants respectfully submit that it is illogical, and makes no technical sense that the “platform 18” of Kennedy, that “...deliver[s] calls to the mobile unit...”, would be located in the same housing with the mobile unit to which calls are being delivered. For at least these reasons, Applicants respectfully submit that the Office has failed to show how Kennedy teaches Applicants’ dependent claim 46, and that claim 46 is independently allowable.

Based at least upon the above, Applicants respectfully submit that Kennedy fails to teach each and every element of Applicants’ independent claim 22 and at least dependent claims 35, 37-40, 43, 45, and 46, as required by M.P.E.P. §2131, and that at least claims 22, 35, 37-40, 43, 45, and 46 are allowable over Kennedy. Applicants respectfully submit that because claims 23-46 depend either directly or indirectly from

allowable claim 22, all of claims 23-46 are allowable over Kennedy, for at least the reasons set forth with respect to claim 22. Accordingly, Applicants respectfully request that the rejection of claims 22, 23, 26, 27, 29, 34-40, 43, 45, and 46 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

With regard to claim 47, Applicants respectfully submit that claim 47 recites “[a]communication system controller comprising: interface circuitry capable of providing configuration information to a system supporting the communicative coupling of one of a plurality of communication networks to another of the plurality of communication networks based upon the configuration information; storage capable of containing operational software and call routing information; and at least one processor communicatively coupled to the interface circuitry, the at least one processor capable of accessing the operational software and call routing information, the operational software functioning at least to cause the at least one processor to produce the configuration information based upon call setup information and the call routing information.”

Applicants respectfully submit that claim 47 recites limitations similar to claim 22, which Applicants have established is allowable over Kennedy. Applicants also respectfully submit that the Office relies on many of the same teachings of the Kennedy reference used by the Office in the rejection of claim 22. For at least these reasons, Applicants respectfully submit that claim 47 is also allowable, for at least the reasons set forth above with respect to claim 22. In addition, Applicants respectfully submit that claims 48-59, which depend from claim 47, are also allowable, for at least the same reasons. Further, the subject matter of some of dependent claims 48-59 may be independently allowable, for at least the reasons set forth above with respect to claims 35, 37-40, 43, 45, and 46, which depend from claim 22. Therefore, Applicants respectfully submit that claims 47-59 are allowable, for at least the reasons set forth above, and accordingly request that the rejection of claims 47, 48, 52, 54, 55, and 57-59 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

With regard to claim 60, Applicants respectfully submit that claim 60 recites “[a] machine-readable storage having stored thereon a computer program having a plurality of code sections for implementing a communication system controller, the code sections executable by a machine for causing the machine to perform the operations comprising: storing routing information received from a user at a first location; accepting a call setup request from the user via one of a plurality of communication networks, the call setup request comprising a destination address corresponding to a second location; determining routing information based upon at least one of the call setup request and the stored routing information for the first user; generating configuration information using at least one of the call setup request and the routing information; and providing the configuration information to a device capable of communicatively coupling the user via one of a plurality of communication networks to the second location via another of the plurality of communication networks in order to establish the requested call.”

Applicants respectfully submit that Kennedy fails to teach or suggest, at least, “...generating configuration information using at least one of the call setup request and the routing information;...” and “...providing the configuration information to a device capable of communicatively coupling the user via one of a plurality of communication networks to the second location via another of the plurality of communication networks in order to establish the requested call...”, as recited by Applicants’ claim 60.

Initially, Applicants respectfully submit that the Office has failed to identify the teaching of Kennedy that is alleged to correspond to Applicants’ “communication system controller” of claim 60. As was demonstrated above, the Office inconsistently interpreted the teachings of Kennedy with regard to this claim element in the rejections of claims 22 and 47. Applicants respectfully submit that by failing to identify the corresponding teaching in Kennedy, the Office has failed to set forth a *prima facie* case of anticipation. By this omission, the Office has kept Applicants from placing the alleged teachings of Kennedy in context, and therefore, from preparing a complete response to the rejection.

The Office suggests that Kennedy teaches “...a machine-readable storage having stored thereon a computer program having a plurality of code sections for implementing a communication system controller, the code sections executable by a machine for causing

the machine to perform the operations comprising: ... storing routing information received from a user at a first location **(42, FIG. 1, column 6, lines 35-48)**; ... generating configuration information using at least one of the call setup request and the routing information **(column 11, lines 1-3, column 12, lines 62-64)**; and providing the configuration information to a device **42, FIG. 1, column 12, lines 30-31)** capable of communicatively coupling the user via one of a plurality of communication networks **(16, FIG. 1)** to the second location **(48, FIG. 1)** via another of the plurality of communication networks **(41, FIG. 1)** in order to establish the requested call **(column 12, lines 35-39).**" See Office action at pages 7-8. Applicants respectfully disagree. Applicants first address Kennedy at column 11, lines 1-3 and column 12, lines 62-64, which state (underlined):

FIG. 3 illustrates a block diagram of platform 18 that delivers calls to mobile unit 12 in response to reported call delivery information. Platform 18 also generates and delivers call back messages directing mobile unit 12 to call platform 18 or caller 36. Platform 18 includes a processor 140 coupled to memory 142, look-up tables 144, and coupler 146. Processor 140 is also coupled to credit card validation system 148, fraud management system 150, usage tracking system 152, and billing system 154. Processor 140 communicates with other similarly functioning platforms in a distributed platform embodiment or with home switch 42 or other switches 48 over communications link 156. Communications link 156 can be a portion of the nation-wide SS7 backbone that interconnects components of PSTN 38, or any other dedicated or switched communications link.

(emphasis added)

The cited portion of Kennedy shown above simply teaches the generation and delivery of "call back messages" by "Platform 18", and describes the various functional elements of "platform 18". Applicants respectfully submit that by citing this portion of the reference, the Office is alleging that the "call back message" of Kennedy teaches Applicants' "configuration information".

Next Applicants address Kennedy at column 12, lines 62-64, which state (underlined):

The call back message directs mobile unit 12 to call platform 18 or to directly call a number specified by caller 36. If the call back message requests mobile unit 12 to call platform 18, then coupler 146 maintains link 170 with caller 36. Mobile unit 12 calls platform 18 and establishes a connection using link 172. Coupler 146, under the direction of processor 140, then connects the call from mobile unit 12 on link 172 with the call from caller 36 on link 170. A ring tone generator 182 can produce an audible ring tone to caller 36 to create the illusion that the call is being directly placed with mobile unit 12. In addition, mobile unit 12 can call platform 18 without operator intervention. When the connection is established, an audible ring can be generated at mobile unit 12 by output device 124 or handset 96 to inform the operator of the call from caller 36. By generating a ring tone to caller 36 and a ring tone at mobile unit 12, call delivery system 10 supports an apparent direct dial call from caller 36 to mobile unit 12.

(emphasis added)

This portion of teaches that a “call back message” direct a “mobile unit 12” to call “platform 18” or a number specified by a caller, to establish a connection using “coupler 146” between the caller and the “mobile unit 12”. Various audible signals may also be provided. Therefore, a “call back message” is directed to a “mobile unit 12”.

Applicants now examine the teachings of Kennedy cited by the Office as teaching Applicants feature “...providing the configuration information to a device capable of communicatively coupling the user via one of a plurality of communication networks to the second location via another of the plurality of communication networks in order to establish the requested call.” The Office identifies element 42 of Fig. 1 and column 12, lines 30-31 of Kennedy as teaching “...providing the configuration information to a device...” Element 42 of Fig. 1 is identified by Kennedy as “home switch 42”. Applicants now look at column 12, lines 30-31 of Kennedy, which state (underlined):

In operation, data transceiver 160 receives a call delivery information report from mobile unit 12. Data transceiver 160 passes the report to processor 140 of platform 18 using link 158. Processor 140 validates the report using fraud management system 150 and logs the report for usage tracking system 152 and billing system 154. Processor 140 stores the call delivery information report time-stamped and indexed by mobile unit identification number in memory 142. Processor 140 can communicate the call delivery information report using link 156 to home switch 42, other switches 48, or other platforms 18 in a distributed platform system.

The cited portion of Kennedy shown above teaches that “processor 140” can communicate a “call delivery information report” to “home switch 42”, or other switches or platforms. Therefore, Applicants respectfully submit that by selecting this portion of Kennedy, the Office is alleging that the “processor 140” communicating a “call delivery information report” to a “home switch 42” teaches Applicants’ feature “...providing the configuration information to a device...”. Applicants respectfully submits that this portion of Kennedy makes no mention of the “call back message”, which the Office previously identified as corresponding to Applicants’ “configuration information”, and instead recites that the “processor 140” communicates a “call delivery information report” to “home switch 42”. Applicants respectfully submit that Kennedy has clearly chosen to recite separate elements as a “call delivery information report” and a “call back message”, and that these two teachings are not equivalent. Applicants respectfully submit that the Office is again inconsistent in its interpretation of the teachings of Kennedy. Therefore, Applicants respectfully submit that the cited portions of Kennedy that disclose the generation of a “call back message” and the “processor 140” communicating a “call delivery information report” do not teach or suggest, at least, Applicants’ features “...generating configuration information using at least one of the call setup request and the routing information;...” **and** “...providing the configuration information to a device capable of communicatively coupling the user via one of a plurality of communication networks to the second location via another of the plurality of communication networks in order to establish the requested call...”, as recited by Applicants’ claim 60. For at least these reasons, Applicants

respectfully submit that the Office has failed to show where Kennedy teaches these aspects of Applicants' claim 60.

Based at least upon the above, Applicants respectfully submit that the Office has failed to show where the Kennedy reference teaches each and every limitation of Applicants' claim 60, as required by M.P.E.P. §2131, and that claim 60 is allowable over Kennedy. Because claims 61-69 depend from claim 60, Applicants respectfully submit that claims 61-69 are also allowable over Kennedy, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 60, 61, 64, 65, and 67-69 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

II. The Proposed Combination of Kennedy And Henley Does Not Render Claims 24, 25, 28, 30-33, 41, 44, 49-51, 53, 56, 62, 63, And 66 Unpatentable

Claims 24, 25, 28, 30-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley et al. (US 5,526,353, hereinafter "Henley"). Applicants respectfully submit that claims 24, 25, 28, 30-33, 41, and 44 depend from independent claim 22, that claims 49-51, 53, and 56 depend from independent claim 47, and that claims 62, 63, and 66 depend from independent claim 60. Applicants respectfully submit that independent claims 22, 47, and 60 are allowable over the proposed combination of references, in that the Office has failed to show where Henley remedies the shortcomings of Kennedy, set forth above. Because independent claims 22, 47, and 60 are allowable over the proposed combination of Kennedy and Henley, Applicants respectfully submit that claims 24, 25, 28, 30-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 24, 25, 28, 30-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants believe that all of pending claims 22-69 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: July 25, 2008

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